

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated August 11, 2008 has been received and its contents carefully reviewed.

Applicant appreciates and thanks the Examiner for the courtesies extended to Applicant's representatives during the December 10, 2008 telephone interview with the Examiner. The substance of the interview is set forth below and constitutes the record of the interview.

Claims 1, 5, and 9-13 are hereby amended. Claims 4, 6, and 8 are hereby canceled without prejudice or disclaimer. No new matter has been added. Accordingly, claims 1-3, 5, 7, and 9-15 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

**The Office Action rejects claims 1 and 8 under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. *Office Action* at p. 2.** Claim 8 is canceled herein, accordingly the objection to this claim is moot. Applicant respectfully traverses the rejection of the remaining claims.

As discussed during the interview, the 35 U.S.C. §112, first paragraph, rejection concerning claim 1 would be withdrawn if the Applicant set forth the same arguments made during the telephone interview. As such Applicant submits that, at least, Figures 2 and 3 along with paragraph [0041] of the originally filed specification support, "a plurality of elevated portions," as set forth in independent claim 1.

With regards to, "a positioning projection" Applicant submits that this element 270 is supported, at least, in Figures 2, 4, and 6 and by corresponding paragraphs [0035], [0037], [0048]-[0049], [0058]-[0059], and [0062] as well as originally filed claims 9, and 11-12 of the originally filed specification.

Thus, the Applicant respectfully requests that the Office withdraw the rejection of claims 1 and 8 under 35 U.S.C. § 112, first paragraph.

**The Office rejects claims 1 and 4-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,069,596 to *Sisler* (hereinafter “*Sisler*”).** *Office Action* at p. 3. Claims 4 and 6 are canceled herein, accordingly the objection to these claims are moot. Applicant respectfully traverses the rejection of the remaining claims.

Independent claim 1 is allowable in that it recites, at least, “a cylindrical drum main body that is formed through a seam-welding process, the seam-weld being located only on the cylindrical portion of the drum main body....”*Sisler* fails to describe, either expressly or inherently, at least this above-recited feature of the claimed invention.

As discussed in the interview, *Sisler* merely discloses a way of attaching the drum 8 to the back wall 21. *Sisler* at col. 2 ll. 42-48. In fact, *Sisler* discloses supporting the rear end of drum 8 by means of a stub shaft 18 which is secured by bearing 19 which is then supported by a baffle 20 which in turn, is rigidly secured to a back wall 21 of the cabinet 2 by welding at points 22. *Sisler* at col. 2 ll. 42-48 and FIG. 1.

Thus, *Sisler* is merely using welding to attach the drum to the back wall. *Sisler* does not disclose welding, “the seam-weld being located only on the cylindrical portion of the drum main body....” (emphasis added).

Therefore, *Sisler* fails to describe, either expressly or inherently, the following feature, “a cylindrical drum main body that is formed through a seam-welding process, the seam-weld being located only on the cylindrical portion of the drum main body...,” as recited in independent claim 1.

Additionally, independent claim 1 is allowable in that it recites, at least, “wherein the cylindrical portion is provided with at least one penetration hole that is a predetermined distance

apart from the first end and the second end of the drum main body, and wherein the lift is provided at a bottom surface with a positioning projection to be inserted into the penetration hole.”

As seen from Figure 1 and the associated text of *Sisler*, *Sisler* at most, discloses a stub shaft 18 that extends from the center of back wall 13 of drum 8 through a bearing 19 which is supported by a baffle 20. *Sisler* at col. 2 ll. 25-51 & FIG. 1. Thus, the hole being penetrated by stub shaft 18 is located on a baffle 20. *See id.* *Sisler* does not disclose a hole that is located a, “distance apart from the first end and the second end of the drum main body,” and on “the cylindrical portion...of the drum main body....”

Additionally, as seen from Figure 1 and the associated text of *Sisler*, *Sisler* at most, discloses tumbling ribs 14, “which are provided on the interior of wall portion 9...” *Sisler* at col. 2 ll. 30-34. However, nowhere does *Sisler* disclose a, “lift...provided...with a positioning projection,” yet alone, “a positioning projection to be inserted into the penetration hole.” Again, the penetration hole being located a, “distance apart from the first end and the second end of the drum main body,” on “the cylindrical portion...of the drum main body....”

Thus, *Sisler* fails to describe, either expressly or inherently, “wherein the cylindrical portion is provided with at least one penetration hole that is a predetermined distance apart from the first end and the second end of the drum main body, and wherein the lift is provided at a bottom surface with a positioning projection to be inserted into the penetration hole.” as recited in independent claim 1.

Accordingly, Applicant respectfully submits that independent claim 1 is patentably distinguishable over *Sisler*. It stands to reason that claim 5 which depends from claim 1 is also patentably distinguishable for at least the same reasons. Accordingly, Applicant respectfully requests the Office to withdraw the rejection of claims 1, and 4-6 under 35 USC § 102(b).

**The Office rejects claims 8-10 and 13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,628,617 to *St. Louis* (hereinafter “*St. Louis*”). *Office Action* at p. 4.** Applicant respectfully traverses the rejection.

Claim 8 is canceled herein, accordingly the objection to this claim is moot. Dependent claims 9-10, and 13 now depend on independent claim 1. *St. Louis* does not disclose all of the features of independent claim 1.

Accordingly, Applicant respectfully submits that independent claim 1 is patentably distinguishable over *St. Louis*. It stands to reason that claims 9-10 and 13 which depend from claim 1 are also patentably distinguishable for at least the same reasons. Accordingly, Applicant respectfully requests the Office to withdraw the rejection of claims 8-10 and 13 under 35 USC § 102(b).

**The Office rejects claims 2-3 and 7 under 35 U.S.C. § 103(a) as being unpatentable over *Sisler*. *Office Action* at p. 4.** Applicant respectfully traverses the rejection.

Claims 2-3 and 7 depend from independent claim 1 and thus incorporate all of the elements of claim 1. As discussed above with regard to independent claim 1 *Sisler* fails to teach or suggest the above-recited features. It stands to reason that claims 2-3 and 7 which depend from claim 1 are also patentably distinguishable for at least the same reasons. Accordingly, Applicant respectfully requests the Office to withdraw the rejection of claims 2-3 and 7 under 35 USC § 103(a).

**The Office rejects claims 11-12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *St. Louis*. *Office Action* at p. 5.** Applicant respectfully traverses the rejection.

Claims 11-12 and 14 depend from independent claim 1 and thus incorporate all of the elements of claim 1. As discussed above with regard to independent claim 1 *St. Louis* fails to teach or suggest the above-recited features. It stands to reason that claims 11-12 and 14 which depend from claim 1 are also patentably distinguishable for at least the same reasons. Accordingly, Applicant respectfully requests the Office to withdraw the rejection of claims 11-12 and 14 under 35 USC § 103(a).

**The Office also rejects claims 1-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 7,340,849 (hereinafter “the ‘849 patent”).** *Office Action* at p. 5. The Applicant respectfully disagrees.

Claims 4, 6, and 8 are canceled herein, accordingly the objection to these claims are moot. The remaining claims are not obvious in view of claims 1-10 of the ‘849 patent because they are not coextensive in scope.

More specifically, newly amended claim 1 recites a drum assembly of a laundry dryer which includes, among other features, “wherein the cylindrical portion is provided with at least one penetration hole that is a predetermined distance apart from the first end and the second end of the drum main body, and wherein the lift is provided at a bottom surface with a positioning projection to be inserted into the penetration hole” The Applicant submits that the ‘849 patent does not claim these features.

Apart from the fact that the ‘849 patent does not disclose all of the feature of claim 1, the Office merely alleges that “it would have been an obvious matter of design choice to recite the claimed seam weld process.” The Office does not address how all of the features of independent claim 1 are rendered obvious by claims 1-10 of the ‘849 patent.

Thus, absent a claim by the Office regarding at least the above features, claims 1-10 of the '849 patent are patentably distinct from the instant claimed invention. Accordingly, the Applicant respectfully requests that the obviousness-type double patenting rejection of claims 1-14 over claims 1-10 of the '849 patent be withdrawn.

### **CONCLUSION**

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

By 

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